



## SHEET METAL WORKERS LOCAL UNION 441 HEALTH AND PENSION PLANS

PLAN MANAGER –  
ALABAMA ADMINISTRATORS – 1717 OLD SHELL ROAD  
PO BOX 66745 – MOBILE, AL 36660  
PHONE (251) 478-5412 – TOLL-FREE (800) 221-7025 – FAX (251) 478-0203

August 11, 2010

Mr. William Stuart, III  
and Robin C. Stewart  
Ace Fabrication, Inc.  
2715 Dauphin Street  
Mobile, AL 36606

Re: Contributions due the Health Trust Fund

Dear Mr. Stuart:

Ace Fabrication, Inc. is delinquent in payment of contributions to this trust fund:

- 1) The monthly payment due 4/1/2011 on the promissory note has not been paid.
- 2) January contributions due total \$11,891.86.
- 3) February contributions due total \$10,898.71.
- 4) March contributions will be due on April 10, 2011.

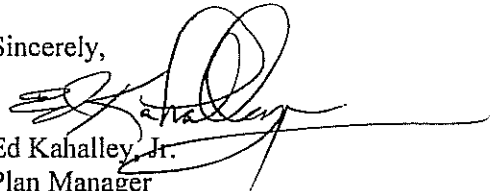
Failure to make timely payment of the promissory note and maintain payment of current contributions results in a default on the promissory note with the full amount being due and payable now.

The promissory note with personal guaranty by William F. Stewart, III and Robin C. Stewart was for \$84,314.35 based on default. Ace Fabrication has paid \$9,708 on the note leaving a balance of \$74,606.35. As of today the outstanding balance of \$74,606.35 is due and payable. The promissory note balance with contributions due through February totals \$97,396.92 plus March contributions due.

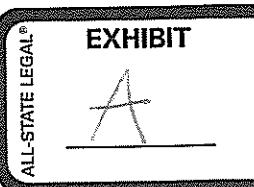
William F. Stewart, III and Robin C. Stewart have a personal guarantee dated August 18, 2010 for payment of contributions, costs, expenses, attorney's fees and legal expenses incurred with the enforcement of the guarantee and promise. Please be advised that the personal guarantee is now activated for the amount of \$97,396.92 plus March contributions due plus any other expenses involved with the collection process.

This matter is being directed to the Trust Attorney for legal action against all parties.

Sincerely,

  
Ed Kahalley, Jr.  
Plan Manager

Cc: Mr. Robert Payne, Sheet Metal Local 441  
Ms. Kim Walker, Trust Attorney





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April 15, 2011

Partner William F. Stewart III  
Partner Robin C. Stewart

Ace Fabrication, Inc.  
2715 Dauphin Street  
Mobile, AL 36606

Employer ID # 63-0001726

P (251) 478-0401

F (251) 479-8080

E [lisa@acefab.com](mailto:lisa@acefab.com)

Bank: Regions at Crichton (1400105950)

91,726.53<sup>1</sup> d.c.

### SUMMARY

|   |               |
|---|---------------|
| Health & Welfare Trust Fund Contributions Due<br>(Covered by the Promissory Note Dated 9/17/2010) | \$ 70,261.96  |
| Liquidated Damages on Default<br>(Full Amount Due as of 9/17/2010)                                | + 14,052.39   |
| Total   | \$ 84,314.35  |
| Payments on Promissory Note<br>(10/1/2010-4/1/2010 = \$1,618.00 x 7)                              | - 11,326.00   |
| Balance Due   | \$ 72,988.35  |
| January Contributions Due   | + 11,891.86   |
| February Contributions Due  | + 10,898.71   |
| Liquidated Damages for January and February   | + 4,898.11    |
| Total *   | \$ 100,677.03 |

\* The contributions due for March have not been reported.

The collective bargaining agreement terminated on 3/31/2011 with no contributions due after that date.

There is a personal guarantee for payment issued by William F. Stewart, III and Robin C. Stewart dated 8/18/2010.

Attested to by Ed Kahalley, Jr., Trust Administrators, 4/15/2011

## Sheet Metal Workers Local 441 Health &amp; Pension Funds

03/22/2011

ACE FABRICATION  
2715 Dauphin Street  
Mobile, AL 36606

Contact Person: Mary  
Phone: 251-478-0401  
Fax: 251-479-8080

## NOTICE OF DELINQUENT CONTRIBUTIONS

Failure to make payment within five days of this notice will result in a delinquent assessment

| PLAN  | MONTH WORKED | AMOUNT DUE   | AMOUNT PAID | DATE PAID  | DATE DUE   | BALANCE DUE               | DELINQUENT ASSESSMENT GREATER OF NOTICE APPLIED INTEREST | PENALTY      | GRAND TOTALS  |
|---|--------------|--------------|-------------|------------|------------|---------------------------|--|--------------|---------------|
| NOTE: Does not participate in Local 441 Supplemental Pension Plan |              |              |             |            |            |                           |  |              |               |
| Welfare   | Feb-10       | \$ 22,711.98 |             |            | 03/10/2010 | \$ 13,003.98              | 04/13/2010 04/20/2010 \$                                 | 2,815.04 \$  | 4,542.40      |
|   |              | \$ 1,618.00  | 10/01/2010  | 10/01/2010 | 10/01/2010 |                           |  |              |               |
|   |              | \$ 1,618.00  | 11/04/2010  | 11/01/2010 | 11/01/2010 |                           |  |              |               |
|   |              | \$ 1,618.00  | 12/03/2010  | 12/01/2010 | 12/01/2010 |                           |  |              |               |
|   |              | \$ 1,618.00  | 01/03/2011  | 01/01/2011 | 01/01/2011 |                           |  |              |               |
|   |              | \$ 1,618.00  | 03/04/2011  | 02/01/2011 | 02/01/2011 |                           |  |              |               |
|   |              | \$ 1,618.00  | 03/21/2011  | 03/01/2011 | 03/01/2011 |                           |  |              |               |
| Welfare   | Apr-10       | \$ 25,169.02 |             |            | 05/10/2010 | \$ 25,169.02              | 05/13/2010 05/20/2010 \$                                 | 2,614.82 \$  | 5,033.80      |
| Welfare   | May-10       | \$ 22,380.96 |             |            | 06/10/2010 | \$ 22,380.96              | 06/14/2010 06/21/2010 \$                                 | 2,097.07 \$  | 4,476.19      |
| Welfare   | Dec-10       | \$ 1,592.43  |             |            | 01/10/2011 | \$ 1,592.43               | 01/17/2011 01/24/2011 \$                                 | 37.17 \$     | 318.49        |
| Welfare   | Jan-10       | \$ 11,891.86 |             |            | 02/10/2011 | \$ 11,891.86              | 02/20/2011 02/20/2011 \$                                 | 156.39 \$    | 2,378.37      |
| Welfare   | Feb-10       | \$ 12,598.71 |             |            | 03/10/2011 | \$ 12,598.71              | 03/21/2011 03/21/2011 \$                                 | 49.70 \$     | 2,519.74      |
| WELFARE - TOTAL   |              | \$ 96,344.96 | \$ 9,708.00 |            |            | BALANCE DUE: \$ 86,636.96 | ASSESSMENT DUE: \$ 7,770.19                              | \$ 19,268.99 | \$ 105,905.95 |

If you have already mailed your payment, or you had no members working during the month in question, we apologize for this notice, and ask that you contact the Plan Manager at (251)478-5412. It is not the desire of the Board of Trustees that a contractor be assessed a penalty. It is their fiduciary obligation under the Law to collect all contributions due and provide for a penalty procedure for delinquent contributions. Please see the Employer Duty and Responsibility statement on the reverse of this notice. Your immediate attention to this matter will avoid a penalty.

251-478-0401 = Mary  
251-479-8080 = Fax